APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,014	01/26/2004	Craig Nevill-Manning	24207-10065	1277

62296   7590   03/27/2008
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EXAMINER
LE, MIRANDA

ART UNIT	PAPER NUMBER
2167	

MAIL DATE	DELIVERY MODE
03/27/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/765,014	NEVILL-MANNING ET AL.
	Examiner	Art Unit	
	MIRANDA LE	2167	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>19 December 2007</u>.

2a) ☐ This action is FINAL.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,4,5,8-15,18,19,22-28 and 32-38</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,4,5,8-15,18,19,22-28 and 32-38</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>26 January 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 12/19/07 has been entered.

2.   This communication is responsive to Amendment, filed 12/19/07.

        Claims 1, 4, 5, 8-15, 18-19, 22-28, and 32-38 are pending in this application. In the

Amendment, claims 32-38 have been added, claims 1, 4, 5, 8-15, 18, 19, and 22-28 have been

amended, claims 2-3, 6-7, 16-17, 20-21, and 29-31. This action is made non-Final.

Response to Arguments

3.   Applicant's arguments with respect to amended claims 1, 15, 11, 25 regarding the cited

arts do not teach/suggest the newly amended features, have been considered, but are moot in

view of the new ground(s) of rejection.

Specification

4.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

        The abstract should be in narrative form and generally limited to a single paragraph on a

separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed

150 words in length since the space provided for the abstract on the computer tape used by the

printer is limited. The form and legal phraseology often used in patent claims, such as "means"

and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist

readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the

title. It should avoid using phrases which can be implied, such as, "The disclosure concerns,"

"The disclosure defined by this invention," **"The disclosure describes,"** etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims

under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims

was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point

out the inventor and invention dates of each claim that was not commonly owned at the time

a later invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6.   Claims 1, 4, 5, 8-10, 15, 18, 19, 22-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Manber et al. (US Patent No. 6,920,609), in view of Bailey et al. (US Patent

No. 6,785,671).

As to claims 1, 15, Manber teaches a method/computer program product, comprising:

receiving a search query *(i.e. query, col. 5, lines 57-38)*;

identifying a plurality of item identifiers *(i.e. a list of items, col. 7, lines 51-62)*

responsive to the search query *(i.e. Some web pages may have several alternative formats which*

are quite different and cannot be inferred from one to another. For example, results of a search

for a particular author may return a list of authors matching the name, or a list of books by the

uniquely named author, col. 7, lines 40-51), wherein each item identifier is associated with an

item offered for sale and comprises information regarding the item *(i.e. a list of books from the*

same authors, each with a description and a price, col. 7, lines 51-62);

selecting a first group of item identifiers from the plurality of item identifiers *(i.e. The*

operator is able to select or highlight portions of the page that are of interest, e.g., the price of

product P and/or the red-formatted ON SALE text, col. 6, lines 31-54), wherein the first group of

item identifiers was received from a vendor feed, the vendor feed comprising information from

at least one vendor offering one or more items for sale *(i.e. the techniques of the present*

invention are particularly useful for identifying and extracting information related to products

from remote vendor servers, col. 5, lines 31-58);

selecting a second group of item identifiers from the plurality of item identifiers *(i.e. At*

step 140, another page (e.g., related document) is retrieved ... from a different site, col. 6, line

55 to col. 7, line 28), wherein the second group of item identifiers was obtained by extraction of

item identifiers (*i.e. At step 170, the results of the comparison are used to extract the desired*

information from the subsequent page to be stored (e.g., in database 35) and/or displayed. Any

number of subsequent pages may be retrieved and analyzed with respect to the stored pattern of

the target page by repeating steps 140 to 170, col. 6, line 55 to col. 7, line 28) from shopping

documents offering one or more items for sale (*i.e. a different site, col. 6, line 55 to col. 7, line*

28), the shopping documents not received directly from a vendor feed (*i.e. Such information can*

be used, for example, to populate database 35 with comparative information for access by

subscribers or the general public, e.g., over the Internet. For example, the extracted information

can be used to populate database 35 with comparative pricing information for a particular

product or service or related products or services. One example of such an accessible

server/database for which the invention is useful is the Yahoo! Shopping website. It will of

course be apparent that the present invention is useful for identifying and extracting any desired

information in web pages retrieved from any website for use in any data mining application or

other application, col. 5, lines 37-58); and

    Manber does not expressly teach at least one item identifier from the first group in a

visually distinct way from at least one item identifier from the second group.

    Bailey teaches at least one item identifier from the first group in a visually distinct way

from at least one item identifier from the second group (*i.e. FIG. 3 illustrates a sample results*

page for an All Products search. The results include items directly offered for sale by the host

merchant web site, items offered for sale by third parties using the host web site as a forum,

items offered for sale by on-line merchants affiliated with the host merchant, and items offered

for sale by on-line merchants unaffiliated with the host merchant, col. 3, lines 37-43).

It would have been obvious to one of ordinary skill of the art having the teaching of Manber, and Bailey at the time the invention was made to modify the system of Manber to include the limitations as taught by Bailey. One of ordinary skill in the art would be motivated to make this combination in order to display the results of a multiple-category search according to levels of significance of the categories to a user's search query in view of Bailey (Summary), as doing so would give the added benefit of assisting users efficiently in conducting online searches as taught by Bailey (Summary).

As to claims 4, 18, Manber teaches the extraction is performed at least in part by a template-based extraction method *(i.e. extracting content from web pages formatted using a markup language, col. 3, line 64 to col. 4, line 7)*.

As to claims 5, 19, Bailey teaches the extraction as based at least in part on the search query *(i.e. The keyword index is used by a query server to locate web pages that are both relevant to a user's search query and likely to include a product offering. This may be accomplished, for example, by limiting a scope of the search to web pages having a score that satisfies a particular threshold, col. 2, line 60 to col. 3, line 9)*.

As to claims 8, 22, Bailey teaches the first group of item identifiers comprises displaying a first list *(i.e. Top search results from Amazon.com for Mark Twain, See Fig. 3)* and wherein displaying the second group *(i.e. Additional Matches for Mark Twain for Mark Twain from other on-line merchants, See Fig. 3)* of item identifiers comprises displaying a second list, wherein the

first list is visually separated from the second list when displayed *(i.e. FIG. 3 illustrates a sample results page for an All Products search. The results include items directly offered for sale by the host merchant web site, items offered for sale by third parties using the host web site as a forum, items offered for sale by on-line merchants affiliated with the host merchant, and items offered for sale by on-line merchants unaffiliated with the host merchant, col. 3, lines 37-43).*

As to claims 9, 23, Bailey teaches the first group of item identifiers comprises displaying a first grid and wherein causing the output of the second group of item identifiers comprises displaying a second grid, wherein the first grid is visually separated from the second grid when displayed *(i.e. FIG. 3 illustrates a sample results page for an All Products search. The results include items directly offered for sale by the host merchant web site, items offered for sale by third parties using the host web site as a forum, items offered for sale by on-line merchants affiliated with the host merchant, and items offered for sale by on-line merchants unaffiliated with the host merchant, col. 3, lines 37-43).*

As to claims 10, 24, Manber teaches:

selecting a third group of item identifiers from the plurality of item identifiers, wherein the third group of item identifiers was obtained by a source different from direct receipt from a vendor feed and extraction from shopping documents *(i.e. Any number of subsequent pages may be retrieved and analyzed with respect to the stored pattern of the target page by repeating steps 140 to 170, col. 6, line 55 to col. 7, line 28)*; and

Bailey teaches displaying at least one item identifier from the third group *(i.e. RELATED*

PRODUCTS, See Fig. 3) in a visually distinct way from the at least one item identifier from the

first group *(i.e. Top search results from Amazon.com for Mark Twain, See Fig. 3)* and from the at

least one item identifier from the second group *(i.e. Additional Matches for Mark Twain for*

Mark Twain from other on-line merchants, See Fig. 3).

7.   Claims 11-14, 25-28, 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Manber et al. (US Patent No. 6,920,609), in view of Bowman et al. (US Patent No.

7,124,129), and further in view of Bailey et al. (US Patent No. 6,785,671).

As to claims 11, 25, Manber teaches a method/computer program product, comprising:

receiving a search query *(i.e. query, col. 5, lines 57-38)*;

identifying a plurality of item identifiers *(i.e. a list of items, col. 7, lines 51-62)*

responsive to the search query *(i.e. Some web pages may have several alternative formats which*

are quite different and cannot be inferred from one to another. For example, results of a search

for a particular author may return a list of authors matching the name, or a list of books by the

uniquely named author, col. 7, lines 40-51), wherein each item identifier is associated with an

item offered for sale and comprises information regarding the item *(i.e. a list of books from the*

same authors, each with a description and a price, col. 7, lines 51-62);

selecting a first group of item identifiers from the plurality of item identifiers *(i.e. The*

operator is able to select or highlight portions of the page that are of interest, e.g., the price of

product P and/or the red-formatted ON SALE text, col. 6, lines 31-54);

selecting a second group of item identifiers from the plurality of item identifiers *(i.e. At step 140, another page (e.g., related document) is retrieved ... from a different site, col. 6, line 55 to col. 7, line 28)*;

Manber does not specifically teach:

determining a first degree of certainty that each item identifier from the first group item identifiers has been correctly associated with a respective item;

determining a second degree of certainty that each item identifier from the second group of item identifiers has been correctly associated with a respective item; and

displaying a representation of the first degree of certainty, a representation of the second degree of certainty, and at least one item identifier from the first group in a visually distinct way from at least one item identifier from the second group.

Bowman teaches: determining a first degree of certainty that each item identifier from the first group item identifiers *(i.e. for each item identified in query result, Step 801, Fig. 8)* has been correctly associated with a respective item *(i.e. initialize ranking value for item, Step 802, See Fig. 8)*;

determining a second degree of certainty that each item identifier from the second group of item identifiers has been correctly associated with a respective item *(combine scores for item to generate ranking value for item, Step 806, Fig. 8)*;

displaying a representation of the first degree of certainty, a representation of the second degree of certainty *(Figs. 10-13)*.

It would have been obvious to one of ordinary skill of the art having the teaching of Manber, Bowman at the time the invention was made to modify the system of Manber to include

the limitations as taught by Bowman. One of ordinary skill in the art would be motivated to make

this combination in order to generate ranking values for items indicating their level of relevance

to the current query in view of Bowman (col. 2, line 56 to col. 3, line 10), as doing so would give

the added benefit of rating scores may be produced by a rating function that combines different

types of information reflecting collective and individual user preferences, as taught by Bowman

(col. 3, line 60 to col. 4, line 18).

Manber, Bowman do not explicitly teach at least one item identifier from the first group

in a visually distinct way from at least one item identifier from the second group.

Bailey teaches at least one item identifier from the first group in a visually distinct way

from at least one item identifier from the second group *(i.e. FIG. 3 illustrates a sample results

page for an All Products search. The results include items directly offered for sale by the host

merchant web site, items offered for sale by third parties using the host web site as a forum,

items offered for sale by on-line merchants affiliated with the host merchant, and items offered

for sale by on-line merchants unaffiliated with the host merchant, col. 3, lines 37-43).*

It would have been obvious to one of ordinary skill of the art having the teaching of

Manber, Bowman and Bailey at the time the invention was made to modify the system of

Manber, Bowman to include the limitations as taught by Bailey. One of ordinary skill in the art

would be motivated to make this combination in order to display the results of a multiple-

category search according to levels of significance of the categories to a user's search query in

view of Bailey (Summary), as doing so would give the added benefit of assisting users in

conducting online searches as taught by Bailey (Summary).

As to claims 12, 26, Bowman teaches first degree of certainty is based at least in part on a first method of obtaining the item identifiers *(i.e. for each item identified in query result, Step 801, initialize ranking value for item, Step 802, Fig. 8)* of obtaining the item identifiers *(col. 8, line 37 to col. 8, line 29).*

As to claims 13, 27, Bowman teaches the first method obtaining the item identifiers in the first group comprises receiving item identifier information from a vendor feed *(i.e. <www.amazon.com>, col. 7, line 1)*, the vendor comprising information from at least one vendor offering one or more items for sales *(col. 8, line 37 to col. 8, line 29).*

As to claims 14, 28, Bowman teaches the second degree of certainty is based at least in part on a second method *(combine scores for item to generate ranking value for item, Step 806, Fig. 8)* of obtaining the item identifiers, the second method comprising extraction of item identifiers from shopping documents *(i.e. a rating tables col. 8, line 51 to col. 9, line 20)* offering one or more items for sale, the shopping documents not received directly form a vendor feed *(col. 8, line 37 to col. 8, line 29).*

As per claim 36, Bowman teaches the method of claim 11, wherein the first degree *(i.e. for each item identified in query result, Step 801, initialize ranking value for item, Step 802, Fig. 8)* of certainty is based on a reliability measure of the information received from a vendor feed *(i.e. <www.amazon.com>, col. 7, line 1; col. 8, line 37 to col. 8, line 29).*

As per claim 37, Bowman teaches the method of claim 11, wherein the second degree *(combine scores for item to generate ranking value for item, Step 806, Fig. 8)* of certainty is based on a reliability measure of the information obtained through extraction of item identifiers from shopping documents *(i.e. a rating tables col. 8, line 51 to col. 9, line 20)* offering one or more items for sale, the shopping documents not received directly from a vendor feed *(col. 8, line 37 to col. 8, line 29)*.

As per claim 38, Bowman teaches the method of claim 11, wherein the first degree of certainty is based on determination of accuracy of the information provided for each item, the information obtained by one of extraction from shopping documents and receipt from a vendor feed *(i.e. for each item identified in query result, Step 801, initialize ranking value for item, Step 802, combine scores for item to generate ranking value for item, Step 806, Fig. 8; col. 8, line 37 to col. 8, line 29)*.

8.   Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manber et al. (US Patent No. 6,920,609), in view of Bailey et al. (US Patent No. 6,785,671), and further in view of Bowman et al. (US Patent No. 7,124,129).

As per claim 32, Manber, Bailey teach the method of claim 1, but do not teach:

determining a degree of certainty that an item identifier has been correctly associated with an item; and

displaying a representation of the degree of certainty.

Bowman teaches: determining a degree of certainty that an item identifier has been correctly associated with an item *(i.e. for each item identified in query result, Step 801, initialize*

ranking value for item, Step 802, combine scores for item to generate ranking value for item,

Step 806, Fig. 8);

displaying a representation of the degree of certainty *(Figs. 10-13)*.

It would have been obvious to one of ordinary skill of the art having the teaching of

Manber, Bailey, Bowman at the time the invention was made to modify the system of Manber,

Bailey to include the limitations as taught by Bowman. One of ordinary skill in the art would be

motivated to make this combination in order to generate ranking values for items indicating their

level of relevance to the current query in view of Bowman (col. 2, line 56 to col. 3, line 10), as

doing so would give the added benefit of rating scores may be produced by a rating function that

combines different types of information reflecting collective and individual user preferences as

taught by Bowman (col. 3, line 60 to col. 4, line 18).

As per claim 33, Bowman teaches the method of claim 32, wherein the degree *(i.e. for*

each item identified in query result, Step 801, initialize ranking value for item, Step 802, Fig. 8)

of certainty is based on a reliability measure of the information received from the vendor feed

(i.e. <www.amazon.com>, col. 7, line 1; col. 8, line 37 to col. 8, line 29).

As per claim 34, Bowman teaches the method of claim 32, wherein the degree of

certainty is based on a reliability measure of the information obtained through extraction of item

identifier from shopping documents *(i.e. a rating tables col. 8, line 51 to col. 9, line 20; col. 8,*

line 37 to col. 8, line 29).

As per claim 35, Bowman teaches the method of claim 32, wherein the degree of

certainty is based on a determination of accuracy of the information provided for each item, the

accuracy determination based at least in part on whether the information was received from a

vendor *(i.e. The facility then combines the scores identified for each item to generate ranking*

values for a relatively small number of items, which may include items not identified in the query

result. Indeed, these embodiments of the invention are able to generate ranking values for and

display items even in cases in which the query result is empty, i. e., when no items completely

satisfy the query, col. 3, lines 11-36).

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's
disclosure.

        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The
examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art
Unit is (571)-273-8300.

        Any inquiry of a general nature or relating to the status of this application should be
directed to the Group receptionist whose telephone number is (571) 272-2100.
        Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private
PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Miranda Le/

Primary Examiner, Art Unit 2167